



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/014,076 | 01/27/1998 | MAX A. FEDOR | D-1056 | 4092 |

28995 7590 12/19/2005

RALPH E. JOCKE
walker & jocke LPA
231 SOUTH BROADWAY
MEDINA, OH 44256

EXAMINER

BUTLER, MICHAEL E

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3653

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

REQUEST FOR INFORMATION

1. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

2. In view of the concerns raised by the Board, of a possible inconsistency between the identified inventor of the declaration vs the inventor specified in the 131 affidavit of claims 38 and 48 or concerns premised upon extrinsic evidence the Board may have in its possession casting doubt on the inventorship, the Office requires an affidavit from each inventor specifying which claim(s) each respective inventor is a sole or co-inventor of the claimed material.

3. Applicant should identify the claimed elements of claim 38 in the evidence submitted and identify date confirmatory elements of the evidence submitted.

If the applicant believes the affidavit valid, the applicant should argue the points necessary to refute the Board's preliminary assessment. To the extent applicant disagrees with the Boards preliminary assessment on the validity of the 131 affidavit, applicant is invited to present additional support for the validity of the 131 affidavit. If applicant believes the affidavit invalid, applicant should withdraw the affidavit.

4. The examiner, in relying upon memory from actions taken more than three years earlier, misattributed actions from a differing case and the statement about the 131 affidavit antedating a reference by nine months involved a differing reference in another case and is not germane to this case and should be ignored. The examiner apologizes for any confusion it may have caused.

Art Unit: 3653

Applicant is given a TIME PERIOD of **THREE MONTHS** from the mailing date of this notice to respond to the request for information. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).


Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (571) 272-6937.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh, can be reached on (571) 272-6944. The fax number for the Group is (703) 305-7687.



Michael E. Butler
Examiner



DONALD P. WALSH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600